


**PLANNING AND DEVELOPMENT DEPARTMENT
DEVELOPMENT REVIEW SERVICES
MEMORANDUM**

DATE: January 28, 2010

TO: Planning Commission

FROM: Daniel Neal 
Senior Planner

SUBJECT: Z-2-2010 (Walnut Street-West UCD)


Staff met with the applicants on January 11, 2010, as requested by Commission, and as a result, is proposing amendments to the existing UCD (Exhibit 1) to create new sub-areas (Exhibit 2). The proposed changes have taken more time than initially thought and staff was not able to give the Landmarks Board and applicants the UCD amendment details until this week (see attached Memo to the Landmarks Board). The proposed amendments have also changed the ramifications of the rezoning application. The applicants and staff are proposing significant changes to the original rezoning application and additional advertising and notification are necessary to fulfill the requirements of the Zoning Ordinance.

Staff recommends that Planning Commission table this rezoning request to their meeting on Thursday, March 4th.

**PLANNING AND DEVELOPMENT DEPARTMENT
DEVELOPMENT REVIEW SERVICES
MEMORANDUM**

DATE: January 27, 2010

TO: Landmarks Board

FROM: Daniel Neal 
Senior Planner

SUBJECT: Zoning Case Z-2-2010
Walnut Street-West Urban Conservation District

The Planning and Zoning Commission held a public hearing on this application on January 7, 2010. The application is to rezone from the Walnut Street-West Urban Conservation District (UCD) and High-Density Multi-Family Residential (R-HD) to the Center City (CC) zoning district, primarily to remove the Certificate of Appropriateness requirements while maintaining the ability to have mixed-use development. Staff recommended against the application because the CC district allows much more intense development without required off-street parking. Following the testimony, Commission indicated they do not support the rezoning to CC but are inclined to remove the subject properties from the UCD. Commission requested staff meet with the applicants to identify alternatives to the CC district.

The main argument of the applicants is that their properties are in a different situation from the other properties in the UCD that results in their properties not realizing the same economic return and therefore, they cannot afford to maintain and improve their properties in conformance with the Certificate of Appropriateness requirements. There are several differences between the properties that front on National Avenue as opposed to those that front on Walnut Street:

- A. physical characteristics of the two streets;
- B. access and parking limitations; and
- C. lot sizes.

National Avenue is a high-volume, 4-lane arterial street with turn lanes that is constructed in a sub-standard right-of-way. There is no on-street parking and the sidewalk is constructed directly adjacent to National Avenue in some locations. Walnut Street is a 2-lane collector street with on-street parking, west of National Avenue, and the sidewalk is generally separated from the curb by a grass strip. There is a significant difference between these two streets in both capacity and function. The contrasting character of the two streets is further exemplified by pedestrian activity. Walnut Street has the character of a residential neighborhood with sidewalks separated not only by the grass strip between the sidewalk and the street, but further separated by on street parking. This separation creates an environment

that provides an atmosphere of comfort and safety for pedestrian and bicycling activity. The street layout and reduced traffic volume and speed also provides a safe environment to cross from one side of the street to the other. National Avenue on the other hand because of its higher speeds, volume and street width, coupled with the fact that there is no on street parking, and sidewalks immediately adjacent to the street, provides an atmosphere that is not pedestrian or cycle friendly, and is difficult to cross. This has lead to significantly more redevelopment on Walnut Street than on National Avenue, where an investor can seek and expect a good return on investment both in residential and commercial uses.

The difference in the number of Certificate of Appropriateness applications in the UCD is one indicator that less redevelopment has occurred on National Avenue. While property owners in the Walnut Street-West UCD have applied for forty-four (44) Certificate of Appropriateness applications since 1999, only four (4) of those have been from property owners on National Avenue. And of those four (4) applications, only two (2) proposed significant repairs and maintenance to the contributing structure. Walnut Street properties, on the other hand, have experienced many infill and redevelopment projects including the expansion of Ebbett's Field (restaurant) and the Child Advocacy Center. Walnut Street properties have also experienced many more rehabilitations, renovations and maintenance projects over the years.

Arterial Streets and collector streets have different access limitations. Driveways on primary arterials must be spaced a minimum of two hundred (200) feet from other drives and intersecting streets. On National between Walnut and McDaniel, the driveway spacing requirement will result in only one driveway on each side of the street being permitted. This makes it difficult to access the rear of many of the properties where parking can be located. In comparison, properties on Walnut Street have no limitations on driveways or access points because of the lesser volume and slower moving traffic. Because of their limited depth and size, the lots along National have limited redevelopment because of parking constraints. The UCD allows for reduced off-street parking, but this is supposed to be alleviated somewhat by on-street parking which exists on Walnut Street but not National Avenue. The restricted access and limited parking reduces the usability of the existing structures.

Staff concludes that redevelopment along Walnut Street is self-reinforcing, but properties along National Avenue cannot take advantage of the relaxed requirements and additional uses in the UCD because of the characteristics of National, access and parking limitations, lot sizes, and physical disconnect from Walnut.

Staff met with the applicants on January 11, 2010, and as a result, is preparing amendments to the existing UCD (Exhibit 1) to create a new sub-area that would modify:

- A. Paragraph E and F to delete the requirement for the property owners in the new sub-area to receive a Certificate of Appropriateness for site plans, maintenance, and improvements to their property (demolitions will still require a Certificate of Appropriateness);
- B. Paragraph I to require the standard parking requirement for non-contributing structures; and
- C. Paragraph J to delete the requirement for additional interior landscaping in parking lots and require the same as prescribed by the Zoning Ordinance in both sub-areas.

D. Paragraph L to allow larger and taller signs.

The proposed amendments to the paragraph E (Site Plans) will include the removal of this section from the new Sub Area B while changes to paragraph F (Certificate of Appropriateness) will include removing the language and references to the portions of the Zoning Ordinance that requires the Landmarks Board review and approval except for those that are in reference to demolition of contributing structures.

The proposed amendment to paragraph I will change the parking standards for the entire UCD and promote the preservation of the contributing structures by requiring any non-contributing structure to provide off-street as defined by the Zoning Ordinance. The current off-street parking requirement of four (4) parking spaces per one thousand (1,000) square feet of gross floor area is less restrictive than the current Zoning Ordinance requirements. The Walnut Street-West UCD originally established reduced parking requirements to encourage redevelopment of the existing historic structures. The small lot sizes make it difficult to meet the normal off-street parking requirement, which would have added additional costs to the redevelopment and further discourage it. The available on-street parking along Walnut Street helps to reduce the need for off-street parking.

The proposed amendment to paragraph J will change the interior landscaping standards for the entire UCD. Staff believes this requirement has created parking constraints for the district and by removing this section may allow more flexibility for businesses in the district. The removal of this section will not eliminate interior landscaping completely, rather it will require an owner or business to follow the current Zoning Ordinance.

The proposed amendments to paragraph L will include increasing the maximum size and height for signage in Sub Area B. The maximum size will increase from sixteen (16) square feet on each side to fifty (50) feet on each side. The maximum height will increase from five (5) feet to ten (10) feet. Larger signs are appropriate along an arterial street where there are higher speeds and competing signs.

The applicants also requested that Paragraph M be removed, but staff does not agree. The properties should still be maintained to the same level as other properties in the district, the property owners will just have other options for maintenance.

The Landmarks Board sent a letter on January 7, 2010, in opposition to the rezoning. The Board's opposition is based on the concern that removal of these properties will lead to other properties being removed from the UCD. This is a concern that is often expressed in opposition to other rezoning applications, and it is a valid concern when there is not a clear distinction between the properties being rezoned and the surrounding properties. With regard to this application, there is a clear distinction between the subject properties and the remainder of the UCD. Removal of any properties that front on Walnut Street will have a detrimental effect on the remainder of the district and would not be appropriate.

PROPOSED AMENDMENT

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Exhibit 1

SECTION 1 - That the following described property, is designated as Urban Conservation District Number 1, to be known as the Walnut Street-West Urban Conservation District, which district shall be subject to the provisions set forth in Section 4-2300, Urban Conservation District, of the Land Development Code, and the regulations set forth herein; said district shall be shown on the District maps and is described as follows:

Walnut Street-West Urban Conservation District Legal Description

Beginning at the Northwest Corner of Lot 6 E.T. Robberson's Addition, being the Southeast Corner of Walnut St. and John Q. Hammons Parkway, thence South along the East Rights-of-way of John Q. Hammons Parkway to the Northwest Corner of Lot 16 E.T. Robberson's Addition, being at a point on the South line of an existing 20 foot alley, thence East along the South line of said alley to a point on the West Rights-of-way line of National Ave. 238 feet M/L South of the Southwest Corner of Walnut St. and National Ave., thence Easterly 80 feet M/L crossing National Ave. to the Southwest Corner of Lot 4 O.H. Mitchell Addition, thence East to a point 20 feet East of the Southwest Corner of Lot 3 O.H. Mitchell Addition, being a point on the South line of Lot 3 O.H. Mitchell Addition, thence North to a point 20 feet East of the Northwest Corner of Lot 3 O.H. Mitchell Addition, thence Northeasterly across Walnut St. to the Southeast Corner of Lot 10 Hawthorne Addition, thence North to a point on the South line of Lot 9 Hawthorne Addition, thence East to the Southeast Corner of Lot 9 Hawthorne Addition, thence North along the East line of Lots 9 through 4, Hawthorne Addition to the Northeast Corner of Lot 4 of Hawthorne Addition, also being the South Rights-of-way line of McDaniel St., thence West 166 feet M/L to the Northwest Corner of Lot 4 Hawthorne Addition, thence Westerly 80 feet M/L to the Northeast Corner of Lot 41 East Side Addition also being the Southwest Corner of McDaniel St. and National Ave., thence North 160 feet M/L to the Northeast Corner of Lot 27 East Side Addition, thence West to the Northwest Corner of said Lot 27, thence continue West 15 feet across the alley to the Northeast Corner of Lot 21 East Side Addition, thence South along the East line of Lots 21 and 22 in East Side Addition to and across McDaniel St. and continue South along the East line of Lots 35 through 40 of East Side Addition to the Southeast Corner of Lot 40 East Side Addition, thence West along the South line of Lot 40 East Side Addition, to and across Florence Ave. continuing West along South line of Lot 34 East Side Addition to and across Hampton Ave. to a point on the West Rights-of-way of Hampton Ave. 182feet M/L North of the North Rights-of-way of Walnut St., thence North 18 feet along the West Rights-of-way of Hampton Ave., thence West 150 feet, to the East line of property described in Book 2703 Page 1103, thence North along the East property line of Book 2703 Page 1103 to the South Rights-of-way line of McDaniel St. as it now exists, thence West along the South Rights-of-way line of McDaniel St. 61.4 feet, thence South 207.6 feet, thence West 63 feet,. Thence South 52 feet, thence West 419 feet M/L to a point on the East line of One Parkway Place 210 feet North of the North Rights-of-way line of Walnut St., thence South along the East line of One Parkway Place 210 feet to the North Rights-of-way of Walnut St. thence continuing South Across Walnut St. to a point on the

South Rights-of-way of Walnut St. and the North line of Lot 10 of E.T. Robberson Addition, thence West along the North line of Lots 6 through 10 of E.T. Robberson Addition to the Point of Beginning. All in the City of Springfield, County of Greene, State of Missouri.

(Location: East Walnut Street - Hammons Parkway to a point east of National and north on National to a point north of McDaniel.)

SECTION 2 - The following sub-districts are hereby established within the Walnut Street-West Urban Conservation District, to be known as Areas A & B which are described as follows:

Area A
Walnut Street Area

Walnut Street-West UCD excluding the properties described in Area B.

Area B
National Avenue Area

Hawthorne Addition Lots 4, 5, 6, and 7 in the City of Springfield, Greene County, Missouri

Hawthorne Addition Lot 8 and West ½ of partially vacated alley Lying East and Adjacent thereto in the City of Springfield, Greene County, Missouri

East Side Addition Lots 27, 28, 41, 42, 43, 44, and 45 in the City of Springfield, Greene County, Missouri

SECTION 32 - DISTRICT REGULATIONS

Notwithstanding any other provision of the Springfield City Code to the contrary, the following regulations shall govern and control the enforcement, administration, interpretation, and use and development of land throughout Urban Conservation District No. 1, known as the Walnut Street-West Urban Conservation District. Unless otherwise stated herein, the minimum requirements of the applicable underlying zoning district, the Zoning Ordinance and any other provision of the Springfield City Code shall be applicable to all properties within the Walnut Street-West Urban Conservation District.

A. PERMITTED USES.

The following uses shall be permitted in the Walnut Street-West Urban Conservation District except for those properties identified in Subsection 2.C.

1. Single-family-detached dwellings.
2. Single-family-semi-detached dwellings, in accordance with Section 3-3100 of the Zoning Ordinance, Cluster Subdivisions.
3. Townhouses containing no more than four (4) dwelling units.
4. Duplexes.
5. Multi-family dwellings.

6. Boarding and lodging houses.
7. Nursing homes.
8. Day care homes and group day care homes in accordance with Springfield City Code.
9. Group homes, custodial.
10. Public parking areas in accordance with Subsection 2.I., except parking designed for or used for parking of trucks having a capacity of 3/4 ton or larger or the chassis thereof, or a single unit with more than one rear drive axle shall not be permitted.
11. Community centers, nonprofit.
12. Little Theater group, or dramatic clubs.
13. Art galleries, libraries or museums.
14. Offices, administrative, business, financial and professional.
15. Schools and studios for art, dancing, drama, music, photography, interior decorating or similar courses of study.
16. Day care centers in accordance with Springfield City Code.
17. Zero-lot-line construction, in accordance with Section 3-3200 of the Zoning Ordinance.
18. The following commercial uses shall be permitted in Contributing Buildings as established in Subsection 2.D., provided the existing structure is preserved and was built before January 1, 1940; the goals of historic preservation are met; and any exterior modification to the property is consistent with the Secretary of Interior's Standards for Rehabilitation and the *Walnut Street Design Guidelines*. Commercial uses are limited to the following types:
 - a. Antique shops.
 - b. Book or stationary stores.
 - c. Clothing boutique or ready-to-wear shop.
 - d. Dry goods or notion stores.
 - e. Florist or gift shop.
 - f. Tailors.
 - g. Bed and breakfast inns.
19. Outdoor display and sales. Outdoor display and sales are permitted as an accessory use subject to the following conditions:
 - a. A permitted commercial use, as established in Subsection 2.A.18 of this Ordinance, shall be operating within the building or structure; and,
 - b. Outdoor display and sales shall be limited to the side and rear yard of a lot; and on a corner lot, outdoor display and sales shall be limited to the rear yard and any side yard that does not abut a street; and,
 - c. Outdoor display and sales shall not encroach within a side or rear yard setback, shall be located a minimum of ten feet behind the front building line and shall not encroach within any required vehicular use area; and,
 - d. Outdoor sales shall be limited to hours between sunrise and sunset;

and,

- e. Outdoor display and sales shall be limited to those items that would typically be displayed outdoors, including but not limited to: birdbaths, statuettes, outdoor furniture, plants, etc.; and,
- f. Items for outdoor display and sales shall be stored in an organized manner and must be integrated as part of a plan that shall require the issuance of a Certificate of Appropriateness from the Landmarks Board; and,
- g. When considering the issuance of a Certificate of Appropriateness for outdoor display and sales areas, the Landmarks Board shall consider whether the proposal will detract from any element that promotes the historic context of the *Walnut Street National Historic District*, and will unduly impact any adjacent residential use by increasing noise, lighting or traffic directly associated with the commercial activity.

20. The following commercial uses shall be permitted for the properties commonly addressed as 1041 East Walnut Street, 1050 East Walnut Street, 1108 East Walnut Street, 1111 East Walnut Street, 1112 East Walnut Street, 1129 East Walnut Street, all being in Springfield, Greene County, Missouri, and more particularly described as:

Beginning on the north side of East Walnut Street, 974.3 feet west of the range line dividing Ranges 21 and 22, being the southeast corner of Moses Levy's lot; thence east 123.3 feet to the southeast corner of the W. H. Garrett lot for a beginning point; thence east 76 feet, thence north 200 feet; thence west 76 feet, thence south 200 feet to the point of beginning being a part of the southeast quarter (SE 1/4) of the northeast quarter (NE 1/4) Section 24, Township 29, Range 22.

All of Lot 10 and Lot 11 except the east 20 feet, Ad. E. Smith's Addition.

Lot 8, Ad. E. Smith's Addition.

Lot 49 East Side Addition.

Lot 7 and west twenty-four (24) feet and two (2) inches of Lot 6, Ad. E. Smith's Addition.

All of Lot 51 and Lot 52 except the east 17.5 feet, East Side Addition.

- a. Temporary Outdoor Green Grocer's Market limited to daylight hours, four (4) days per week. Notwithstanding other provisions of Chapter 36 of the City Code prohibiting outdoor storage and display of goods for sale, such storage and sales shall be permitted, limited to flowers, potted plants, perishable vegetables and vegetative produce, craft

items and baked goods, from portable stands, stalls, or hand carts located in the front yards. Sales from trucks or other vehicles are prohibited. No overnight storage of goods, stands, stalls, or hand carts is allowed from the front yard of any premises, and all goods, stands, stalls, and hand carts must be removed from the front yard by sundown of each day of operation.

21. Personal Service Establishments including beauty parlors, barber shops, dry cleaning and pick-up, shoe repair, self-service laundromats, express or mailing offices, hearing aid and eye glass shops, massage therapy and spas.

B. CONDITIONAL USES.

The following conditional uses may be permitted provided they meet the provisions of, and a Conditional Use permit is issued pursuant to Section 3-3300 of the Zoning Ordinance; and, these uses shall only be permitted in a Contributing Building as established in Subsection 2.D. except for such accessory outdoor uses with conditions set forth below, provided the existing structure is preserved and was built before January 1, 1940; the goals of historic preservation are met; any exterior modification to the property is consistent with the Secretary of Interior's Standards for Rehabilitation and the *Walnut Street Design Guidelines*; a Certificate of Appropriateness has been issued by the Landmarks Board indicating approval of the work; the use does not create any amplified sound outside the Contributing Building; and the use is in compliance with the noise standards of the Section 6-1500 of Article I of the Land Development Code and Chapter 78, Article IV, Division 2, Section 78-112, Springfield City Code.

1. Restaurants (sit down or dine in), excluding drive-in and carry-out facilities, which restaurants may include outdoor dining as an accessory use to the main structure with the following limitations:
 - A. Outdoor dining shall be limited to the hours of 11:00 a.m. and 11:00 p.m.; and
 - B. All preparation of food for outdoor dining use shall be prepared in the Contributing Building approved for restaurant use; and
 - C. Accessory structures existing at the time of the passage of this ordinance shall be used only for storage and parking accessory to the use of the Contributing Building, and dining and beverage service, including the sale of alcohol, but in no event shall the accessory structure be used for food preparation; and
 - D. All outdoor activity shall cease at 11:00 p.m. other than routine ingress and egress from the Contributing Building.

C. USE GUIDELINES FOR 1200 AND 1201 EAST WALNUT.

The following use regulations shall apply for the properties commonly addressed as 1200 East Walnut and 1201 East Walnut, more particularly described as:

All of Lot 4 and the West 20 feet of Lot 3 in O. H. Mitchell's Addition plus all of Lot 10 in Hawthorn Addition, all in the City of Springfield, Greene County, Missouri.

1. The following uses shall be permitted.
 1. Single-family-detached dwellings.
 2. Single-family-semi-detached dwellings, in accordance with Section 3-3100 of the Zoning Ordinance, Cluster Subdivisions.
 3. Townhouses containing no more than four (4) dwelling units.
 4. Duplexes.
 5. Multi-family dwellings.
 6. Boarding and lodging houses.
 7. Nursing homes.
 8. Day care homes and group day care homes in accordance with Springfield City Code.
 9. Group homes: custodial.
2. The following conditional uses may be permitted provided they meet the provisions of, and a Conditional Use permit is issued pursuant to Section 3-3300 of the Zoning Ordinance. These uses shall only be permitted in a Contributing Building as established in Subsection 2.D., provided the existing structure is preserved and was built before January 1, 1940; the goals of historic preservation are met; and any exterior modification to the property is consistent with the Secretary of Interior's Standards for Rehabilitation and the *Walnut Street Design Guidelines*; and a Certificate of Appropriateness has been issued by the Landmarks Board indicating approval of the proposed work.
 - b. Public parking areas, in accordance with Subsection 2.I.
 - b. Antique shops.
 - c. Bed and breakfast inns.
 - d. Book or stationary stores.
 - e. Clothing boutique or ready to wear shop.
 - f. Community centers, nonprofit.
 - g. Dry goods or notion stores.
 - h. Florist or gift shop.
 - i. Little Theater group, or dramatic clubs.
 - j. Art galleries museums or libraries.
 - k. Offices, administrative, business, financial and professional.
 - l. Schools and studios for art, dancing, drama, music, photography, interior decorating or similar courses of study.
 - m. Tailors.
 - n. Day care centers in accordance with Springfield City Code.
 - o. Zero-lot-line construction, in accordance with Section 3-3200 of the Zoning Ordinance.

D. CONTRIBUTING BUILDINGS.

For purposes of this ordinance, Contributing Buildings shall be determined in accordance with the *Walnut Street Historic District National Register of Historic Places Nomination* as officially listed in the National Register of Historic Places on March 21, 1985, and incorporating any amendments of said nomination.

E. ~~SITE PLANS.~~

~~Any development or use requiring a site plan pursuant to Section 3-3000 of the Zoning Ordinance, and located within the Walnut Street West UCD, must first acquire a Certificate of Appropriateness, when required, from the Landmarks Board in accordance with Subsection 2.F. Site plans may also be subject to conditions by City Council in order to promote the intent of the Walnut Street Preservation Plan.~~

F. ~~CERTIFICATE OF APPROPRIATENESS.~~

~~The standards contained in Section 4-2403 of the Zoning Ordinance, and typically applicable to a Historic Landmark and Historic Districts, shall be applicable to any site or parcel in the Walnut Street West Urban Conservation District, unless otherwise modified herein.~~

- ~~1. When Required. A Certificate of Appropriateness shall be required in accordance with the standards contained in Section 4-2403-A of the Zoning Ordinance with the following modification:~~
 - ~~a. Section 4-2403-A-2 shall be applicable to structures as specified in the Walnut Street Design Guidelines or Historic Survey conducted in the Walnut Street West Urban Conservation District.~~
- ~~2. Review Criteria. The Board, in considering whether or not to issue a Certificate of Appropriateness, shall be guided by the standards contained in Section 4-2403-D of the Zoning Ordinance with the following modifications:~~
 - ~~a. The Walnut Street Design Guidelines which are on file with the Director of Planning and Development shall be used to fulfill the standard referenced in Section 4-2403-D-2 of the Zoning Ordinance.~~
 - ~~b. For demolition, the Board shall also consider the standards contained in Section 4-2403-D-4 with the following additions and modifications:~~
 - ~~1. The visual and spatial relationship of the structure to its surroundings and to the rest of the Walnut Street Urban Conservation District West.~~
 - ~~2. The Board shall consult the Walnut Street Historic Survey, the Walnut Street Historic District National Register Nomination~~

~~and/or the Walnut Street Preservation Plan in addition to those items contained in Section 4-2403 D 4 b of the Zoning Ordinance.~~

~~3. The alternatives available to the demolition applicant including:~~

~~Donation of the subject structure or site to a public or benevolent agency.~~

~~Donation of a part of the value of the subject structure or site to a public or benevolent agency, including the conveyance of development rights and facade easements.~~

~~The possibility of sale of the structure or site, or any part thereof, to a prospective purchaser capable of preserving such structure or site.~~

~~The potential of such structure or site for renovation and its potential for continuing use.~~

~~4. The Board shall balance the interest of the public in preserving the structure, site, or portion thereof and the interest of the owner in its utilization.~~

~~3. Demolition of Contributing Buildings. The standards contained in Section 4-2403 H of the Zoning Ordinance shall not be applicable to the Walnut Street-West Urban Conservation District. Notwithstanding any other provisions of this ordinance to the contrary, demolition of a Contributing Building as defined in Subsection 2.D. of this ordinance shall occur only in accordance with the provisions of this section. Demolition of a Contributing Building in the Walnut Street Urban Conservation District West constitutes an irreplaceable loss to the quality and character of the district and the City of Springfield. No permit shall be issued for demolition of a Contributing Building unless a Certificate of Economic Hardship has been issued by the Board verifying that the structure has degenerated beyond feasible limits for rehabilitation, or that rehabilitation is impracticable and there is an economic hardship.~~

EG. CERTIFICATE OF ECONOMIC HARDSHIP.

The standards contained in Section 4-2404 of the Zoning Ordinance, and typically applicable to a Historic Landmark and Historic Districts, shall be applicable to any site or parcel in the Walnut Street-West Urban Conservation District.

FH. ADDITIONAL STANDARDS REGARDING CERTIFICATES OF APPROPRIATENESS AND ECONOMIC HARDSHIP.

All sites and parcels within the Walnut Street-West Urban Conservation District, and subject to the issuance of Certificates of Appropriateness and Economic Hardship shall also be subject to the standards contained in Sections 4-2405, 4-2406, 4-2407 and 4-2408 of the Zoning Ordinance.

GI. OFF-STREET PARKING REQUIREMENTS.

All uses shall provide adequate off-street parking in accordance with Section 5-1500 of the Zoning Ordinance, unless the contributing structure is intact, whereas Section 5-1500 of the Zoning Ordinance is otherwise modified herein:

1. Parking Spaces Required.
 - a. Non-residential uses shall normally have at least four (4) parking spaces for each one thousand (1,000) square feet of gross leasable area, excluding outdoor display and sales areas. However, parking requirements (number of spaces per 1,000 square feet) may be reduced for uses that demonstrate a sensitivity to historic preservation. The applicant may submit a parking plan to the Administrative Review Committee for modification to the requirements. The Administrative Review Committee shall consult with the Landmarks Board for overall sensitivity to historic preservation.
 - b. Residential uses shall have at least one and one-half (1.5) parking spaces for each dwelling unit.
2. Parking Lot Surface. Parking lots and driveways shall be surfaced with either asphalt, concrete or pavers so as to provide a permanent surface capable of withstanding the type of vehicular traffic to which such area is likely to be subjected.

~~J. PARKING LOT LANDSCAPING.~~

~~Parking lots shall be landscaped according to Section 6-1200 of the Zoning Ordinance with the exception that interior landscaping requirements shall apply to parking lots of twenty (20) or more spaces.~~

HK. REFUSE STORAGE.

In addition to the standards of Subsection 6-1002.B of the Zoning Ordinance, refuse storage shall adhere to the following:

Waste cans, dumpster units, or other forms of litter control and refuse disposal devices, approved for use in the City of Springfield, shall be placed on the site in a location where they are least visible from a public right-of-way other than alleys. Each litter control or refuse device shall be enclosed so that no part of the device shall be visible from public right-of-way (except alleys) or from adjoining properties.

~~L. SIGNS.~~

~~All signage shall meet the standards of Section 5-1400 of the Zoning Ordinance unless otherwise modified herein:~~

- ~~1. Number. Each premise shall be permitted one (1) detached sign and shall also be permitted either one (1) projecting sign or one (1) wall sign.~~
- ~~2. Size. A maximum of sixteen (16) square feet of background area shall be permitted for each attached or detached sign. Detached signs may be two sided, each side not to exceed sixteen (16) square feet. A single-sided detached sign shall not exceed sixteen (16) square feet.~~
- ~~3. Height. No part of a detached sign shall exceed a height of five (5) feet above the ground area upon which it is located.~~
- ~~4. Sign Lighting. No sign shall use a blinking, flashing, animated, or other illuminating device which changes in light intensity. No beacons or strobe lights shall be permitted.~~
- ~~5. Sign Types. Signs shall only refer to a business, person, activity, goods, products, or service located on the premises where the sign is installed and maintained. Temporary signs shall not be permitted.~~
- ~~6. Exempt Signs. Those signs set forth below shall also be permitted.~~
 - ~~a. Address Numbers and Name Plates. Address numbers for each residential building not exceeding one (1) square foot in effective area and one name plate not exceeding two (2) square feet in effective area per dwelling unit or business.~~
 - ~~b. Banner Signs. One sign composed of highly flexible lightweight material, such as a banner, per business premise, which is not over four (4) square feet in effective area, posted for not more than thirty (30) days per year.~~
 - ~~c. Directional Signs. Detached on-premise directional signs which do not exceed five (5) square feet in effective area. Any logo, business name, product, or service identification, or other advertising shall not exceed twenty percent (20%) of the effective area. No part of the sign shall exceed four (4) feet in height above street grade or four (4) feet in height above the lowest level of the ground under the sign if elevation of premise at sign location is more than twelve (12) inches above street grade, excluding berms or other landscaping features. A Certificate of Appropriateness must be issued prior to installation of directional signs.~~

- d. ~~Flag. A flag or similar device identifying any person.~~
- e. ~~Government Signs. Any sign erected or maintained by or for any agency or government pursuant to and in discharge of any governmental function or required or authorized by law, ordinance, or governmental regulations.~~
- f. ~~Internal Signs. Any one premise sign, the copy of which cannot be viewed from a street right of way or adjoining property.~~
- g. ~~Neighborhood Identifications Signs. A sign, masonry wall, landscaping or other similar material or features which are combined to form a display for neighborhood or tract identification, provided that the legend of such display shall consist of only the neighborhood, tract name, or historic district. A Certificate of Appropriateness must be issued prior to installation of neighborhood identification signs.~~
- h. ~~Real Estate Sale, Lease, And Construction Signs. Non-illuminated temporary on-premise signs pertaining to the construction, sale, or lease of that premise, not to exceed six (6) square feet in effective area. Such signs shall be removed within fourteen (14) days after the closing of the sale or lease or within thirty (30) days after the issuance of an occupancy permit or erection of a permanent sign, whichever occurs first.~~
- i. ~~Miscellaneous Exempt Signs.~~
 - 1. ~~A temporary sign not exceeding four (4) square feet in background area advertising drives or events of a civic, philanthropic, educational, religious, political, or similar nature, provided that said sign is posted only during said drive or event for no more than thirty (30) days per year and is removed within twenty-four (24) hours after an event.~~
 - 2. ~~Attached incidental sign, which pertains to goods, products, services, or facilities that are available on the premises where the sign is located, but only tangentially related to the main activities or purposes of the business, not exceeding a total of four (4) square feet in effective area per business.~~

IM. Minimum Maintenance Requirement.

- 1. Every owner, and every person in actual possession of property in the district, shall keep all interior and exterior portions of buildings and other structures in good repair.
 - a. Public areas. All sidewalks leading to a building, steps, driveways, parking spaces, and similar paved areas for public use shall be kept in a proper state of repair. If any sidewalk or driveway or portion

thereof by virtue of its state of repair shall constitute a danger to public health and safety, the sidewalk or driveway or portion thereof shall be replaced.

- b. Structural members. All supporting structural members of all structures shall be kept structurally sound, free of deterioration, and maintained capable of safely bearing the dead and live loads imposed upon them.
- c. Exterior surfaces (foundations, walls, and roof). Every foundation, exterior wall, roof, and all other exterior surface shall be maintained in a workmanlike state of maintenance and repair.
- d. Foundation walls. All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads and shall be maintained plumb and free from open cracks and breaks, so as not to be detrimental to public safety and welfare.
- e. Exterior walls. Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All exterior surface materials shall be maintained weatherproof and shall be properly surface coated when required to prevent deterioration.
- f. Roofs and drainage. The roof shall be structurally sound, tight, and not have defects which might admit rain. Roof drainage shall be adequate to prevent rain water from causing dampness or deterioration in the walls or interior portion of the building. Roof water shall not be discharged in a manner that creates a nuisance to owners or occupants of adjacent premises or that creates a public nuisance.
- g. Decorative features. All cornices, entablatures, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- h. Signs and awnings. All canopies, signs, awnings, stairways, fire escapes, exhaust ducts, and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. They shall be protected from the elements and against decay and rust by the periodic application of a weather-coating material such as paint or other protective treatment.
- i. Chimneys. All chimneys and similar appurtenances shall be maintained structurally safe, sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and

against decay or rust by periodic application of weather-coating materials such as paint or similar surface treatment.

- j. Stairs and porches. Every stair, porch, fire escape, balcony, and all appurtenances attached thereto shall be so constructed as to be safe to use and capable of supporting the anticipated loads and shall be maintained in sound condition and good repair.
 - k. Window and door frames. Every window, door, and frame shall be constructed and maintained in such relation to the adjacent wall construction so as to exclude rain as completely as possible, and to substantially exclude wind from entering the dwelling or structure.
 - l. Weathertight. Every window and exterior door shall be fitted reasonably in its frame and be weathertight. Weather stripping shall be used to exclude wind or rain from entering the dwelling or structure and shall be kept in sound condition and good repair.
 - m. Glazing. Every required window sash shall be fully supplied with approved glazing materials which are without open cracks and holes.
 - n. Door hardware. Every exterior door and its hardware shall be maintained in good condition. Door locks on all doors entering dwelling units shall be in good repair and capable of tightly securing the door.
 - o. Basement hatchways. Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rats, rain, and surface drainage water into the structure.
 - p. Grading and drainage. All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, or within any structure located thereon. Stagnant water shall be determined as any accumulation that has not dispersed within seven days of the last recorded local rainfall.
 - q. Accessory structure. All accessory structures, including detached garages, fences, and walls, shall be maintained structurally sound and in compliance with Subsections 2.M.1.a. through 2.M.1.p.
- 2. The Landmarks Board may refer violations of this section to the Director of Building Development Services for purposes of conducting such inspections and enforcement proceedings as the Director of Building Development Services may deem appropriate so that the building or structure may be preserved in accordance with the purposes of this ordinance.
 - 3. The provisions of this section shall be in addition to all other applicable provisions of the Springfield City Code relating to the construction and maintenance of buildings and structures.

SECTION 4 – AREA A REGULATIONS

A. SITE PLANS.

Any development or use requiring a site plan pursuant to *Section 3-3000* of the Zoning Ordinance, and located within the Walnut Street-West UCD, must first acquire a Certificate of Appropriateness, when required, from the Landmarks Board in accordance with Subsection 2.F. Site plans may also be subject to conditions by City Council in order to promote the intent of the *Walnut Street Preservation Plan*.

B. CERTIFICATE OF APPROPRIATENESS.

The standards contained in Section 4-2403 of the Zoning Ordinance, and typically applicable to a Historic Landmark and Historic Districts, shall be applicable to any site or parcel in the Walnut Street-West Urban Conservation District, unless otherwise modified herein.

1. When Required. A Certificate of Appropriateness shall be required in accordance with the standards contained in Section 4-2403-A of the Zoning Ordinance with the following modification:
 - a. Section 4-2403-A-2 shall be applicable to structures as specified in the *Walnut Street Design Guidelines* or *Historic Survey* conducted in the Walnut Street-West Urban Conservation District.
2. Review Criteria. The Board, in considering whether or not to issue a Certificate of Appropriateness, shall be guided by the standards contained in Section 4-2403-D of the Zoning Ordinance with the following modifications:
 - a. The *Walnut Street Design Guidelines* which are on file with the Director of Planning and Development shall be used to fulfill the standard referenced in Section 4-2403-D-2 of the Zoning Ordinance.
 - b. For demolition, the Board shall also consider the standards contained in Section 4-2403-D-4 with the following additions and modifications:
 1. The visual and spatial relationship of the structure to its surroundings and to the rest of the Walnut Street Urban Conservation District - West.
 2. The Board shall consult the *Walnut Street Historic Survey*, the *Walnut Street Historic District National Register Nomination* and/or the *Walnut Street Preservation Plan* in addition to those items contained in Section 4-2403-D-4-b of the Zoning Ordinance.
 3. The alternatives available to the demolition applicant including:

Donation of the subject structure or site to a public or benevolent agency.

Donation of a part of the value of the subject structure or site to a public or benevolent agency, including the conveyance of development rights and facade easements.

The possibility of sale of the structure or site, or any part thereof, to a prospective purchaser capable of preserving such structure or site.

The potential of such structure or site for renovation and its potential for continuing use.

4. The Board shall balance the interest of the public in preserving the structure, site, or portion thereof and the interest of the owner in its utilization.

3. Demolition of Contributing Buildings. The standards contained in Section 4-2403-H of the Zoning Ordinance shall not be applicable to the Walnut Street-West Urban Conservation District. Notwithstanding any other provisions of this ordinance to the contrary, demolition of a Contributing Building as defined in Subsection 2.D. of this ordinance shall occur only in accordance with the provisions of this section. Demolition of a Contributing Building in the Walnut Street Urban Conservation District - West constitutes an irreplaceable loss to the quality and character of the district and the City of Springfield. No permit shall be issued for demolition of a Contributing Building unless a Certificate of Economic Hardship has been issued by the Board verifying that the structure has degenerated beyond feasible limits for rehabilitation, or that rehabilitation is impracticable and there is an economic hardship.

C. SIGNS.

All signage shall meet the standards of Section 5-1400 of the Zoning Ordinance unless otherwise modified herein:

1. Number. Each premise shall be permitted one (1) detached sign and shall also be permitted either one (1) projecting sign or one (1) wall sign.

2. Size. A maximum of sixteen (16) square feet of background area shall be permitted for each attached or detached sign. Detached signs may be two sided, each side not to exceed sixteen (16) square feet. A single-sided detached sign shall not exceed sixteen (16) square feet.

3. Height. No part of a detached sign shall exceed a height of five (5) feet above the ground area upon which it is located.
4. Sign Lighting. No sign shall use a blinking, flashing, animated, or other illuminating device which changes in light intensity. No beacons or strobe lights shall be permitted.
5. Sign Types. Signs shall only refer to a business, person, activity, goods, products, or service located on the premises where the sign is installed and maintained. Temporary signs shall not be permitted.
6. Exempt Signs. Those signs set forth below shall also be permitted.
 - a. Address Numbers and Name Plates. Address numbers for each residential building not exceeding one (1) square foot in effective area and one name plate not exceeding two (2) square feet in effective area per dwelling unit or business.
 - b. Banner Signs. One sign composed of highly flexible lightweight material, such as a banner, per business premise, which is not over four (4) square feet in effective area, posted for not more than thirty (30) days per year.
 - c. Directional Signs. Detached on-premise directional signs which do not exceed five (5) square feet in effective area. Any logo, business name, product, or service identification, or other advertising shall not exceed twenty percent (20%) of the effective area. No part of the sign shall exceed four (4) feet in height above street grade or four (4) feet in height above the lowest level of the ground under the sign if elevation of premise at sign location is more than twelve (12) inches above street grade, excluding berms or other landscaping features. A Certificate of Appropriateness must be issued prior to installation of directional signs.
 - d. Flag. A flag or similar device identifying any person.
 - e. Government Signs. Any sign erected or maintained by or for any agency or government pursuant to and in discharge of any governmental function or required or authorized by law, ordinance, or governmental regulations.
 - f. Internal Signs. Any one-premise sign, the copy of which cannot be viewed from a street right-of-way or adjoining property.
 - g. Neighborhood Identifications Signs. A sign, masonry wall, landscaping or other similar material or features which are combined to form a display for neighborhood or tract identification, provided that the legend of such display shall consist of only the neighborhood.

tract name, or historic district. A Certificate of Appropriateness must be issued prior to installation of neighborhood identification signs.

h. Real Estate Sale, Lease, And Construction Signs. Non-illuminated temporary on-premise signs pertaining to the construction, sale, or lease of that premise, not to exceed six (6) square feet in effective area. Such signs shall be removed within fourteen (14) days after the closing of the sale or lease or within thirty (30) days after the issuance of an occupancy permit or erection of a permanent sign, whichever occurs first.

i. Miscellaneous Exempt Signs.

1. A temporary sign not exceeding four (4) square feet in background area advertising drives or events of a civic, philanthropic, educational, religious, political, or similar nature, provided that said sign is posted only during said drive or event for no more than thirty (30) days per year and is removed within twenty-four (24) hours after an event.
2. Attached incidental sign, which pertains to goods, products, services, or facilities that are available on the premises where the sign is located, but only tangentially related to the main activities or purposes of the business, not exceeding a total of four (4) square feet in effective area per business.

SECTION 5 – AREA B REGULATIONS.

A. SITE PLANS.

All development and uses shall comply with the site plan requirements of Section 3-3000 of the Zoning Ordinance.

B. CERTIFICATE OF APPROPRIATENESS.

1. When Required. A Certificate of Appropriateness shall be required when a contributing structure is proposed to be demolished.
2. Review Criteria. The Board, in considering whether or not to issue a Certificate of Appropriateness, shall be guided by the standards contained in Section 4-2403-D-4 of the Zoning Ordinance with the following modifications:
 - a. For demolition, the Board shall also consider the standards contained in Section 4-2403-D-4 with the following additions and modifications:
 1. The visual and spatial relationship of the structure to its surroundings and to the rest of the Walnut Street Urban Conservation District - West.

2. The Board shall consult the *Walnut Street Historic Survey*, the *Walnut Street Historic District National Register Nomination* and/or the *Walnut Street Preservation Plan* in addition to those items contained in Section 4-2403-D-4-b of the Zoning Ordinance.

3. The alternatives available to the demolition applicant including:

Donation of the subject structure or site to a public or benevolent agency.

Donation of a part of the value of the subject structure or site to a public or benevolent agency, including the conveyance of development rights and facade easements.

The possibility of sale of the structure or site, or any part thereof, to a prospective purchaser capable of preserving such structure or site.

The potential of such structure or site for renovation and its potential for continuing use.

4. The Board shall balance the interest of the public in preserving the structure, site, or portion thereof and the interest of the owner in its utilization.

3. Demolition of Contributing Buildings. The standards contained in Section 4-2403-H of the Zoning Ordinance shall not be applicable to the Walnut Street-West Urban Conservation District. Notwithstanding any other provisions of this ordinance to the contrary, demolition of a Contributing Building as defined in Subsection 2.D. of this ordinance shall occur only in accordance with the provisions of this section. Demolition of a Contributing Building in the Walnut Street Urban Conservation District - West constitutes an irreplaceable loss to the quality and character of the district and the City of Springfield. No permit shall be issued for demolition of a Contributing Building unless a Certificate of Economic Hardship has been issued by the Board verifying that the structure has degenerated beyond feasible limits for rehabilitation, or that rehabilitation is impracticable and there is an economic hardship.

C. SIGNS.

All signage shall meet the standards of Section 5-1400 of the Zoning Ordinance unless otherwise modified herein:

1. Number. Each premise shall be permitted one (1) detached sign and shall also be permitted either one (1) projecting sign or one (1) wall sign.

2. Size. A maximum of fifty (50) square feet of background area shall be permitted for each attached or detached sign. Detached signs may be two sided, each side not to exceed fifty (50) square feet. A single-sided detached sign shall not exceed fifty (50) square feet.
3. Height. No part of a detached sign shall exceed a height of ten (10) feet above the ground area upon which it is located.
4. Sign Lighting. No sign shall use a blinking, flashing, animated, or other illuminating device which changes in light intensity. No beacons or strobe lights shall be permitted.
5. Sign Types. Signs shall only refer to a business, person, activity, goods, products, or service located on the premises where the sign is installed and maintained. Temporary signs shall not be permitted.
6. Exempt Signs. Those signs set forth below shall also be permitted.
 - a. Address Numbers and Name Plates. Address numbers for each residential building not exceeding one (1) square foot in effective area and one name plate not exceeding two (2) square feet in effective area per dwelling unit or business.
 - b. Banner Signs. One sign composed of highly flexible lightweight material, such as a banner, per business premise, which is not over four (4) square feet in effective area, posted for not more than thirty (30) days per year.
 - c. Directional Signs. Detached on-premise directional signs which do not exceed five (5) square feet in effective area. Any logo, business name, product, or service identification, or other advertising shall not exceed twenty percent (20%) of the effective area. No part of the sign shall exceed four (4) feet in height above street grade or four (4) feet in height above the lowest level of the ground under the sign if elevation of premise at sign location is more than twelve (12) inches above street grade, excluding berms or other landscaping features. A Certificate of Appropriateness must be issued prior to installation of directional signs.
 - d. Flag. A flag or similar device identifying any person.
 - e. Government Signs. Any sign erected or maintained by or for any agency or government pursuant to and in discharge of any governmental function or required or authorized by law, ordinance, or governmental regulations.
 - f. Internal Signs. Any one-premise sign, the copy of which cannot be

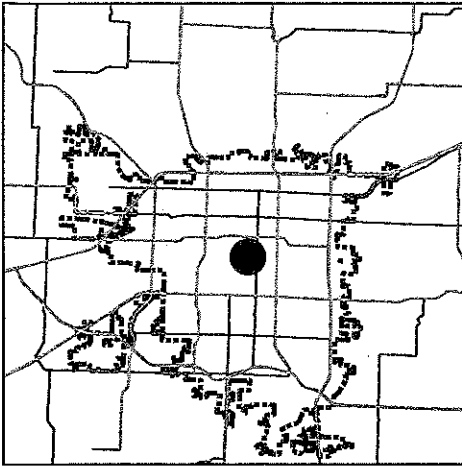
viewed from a street right-of-way or adjoining property.

- g. Neighborhood Identifications Signs. A sign, masonry wall, landscaping or other similar material or features which are combined to form a display for neighborhood or tract identification, provided that the legend of such display shall consist of only the neighborhood, tract name, or historic district. A Certificate of Appropriateness must be issued prior to installation of neighborhood identification signs.
- h. Real Estate Sale, Lease, And Construction Signs. Non-illuminated temporary on-premise signs pertaining to the construction, sale, or lease of that premise, not to exceed six (6) square feet in effective area. Such signs shall be removed within fourteen (14) days after the closing of the sale or lease or within thirty (30) days after the issuance of an occupancy permit or erection of a permanent sign, whichever occurs first.
- i. Miscellaneous Exempt Signs.

 - 1. A temporary sign not exceeding four (4) square feet in background area advertising drives or events of a civic, philanthropic, educational, religious, political, or similar nature, provided that said sign is posted only during said drive or event for no more than thirty (30) days per year and is removed within twenty-four (24) hours after an event.
 - 2. Attached incidental sign, which pertains to goods, products, services, or facilities that are available on the premises where the sign is located, but only tangentially related to the main activities or purposes of the business, not exceeding a total of four (4) square feet in effective area per business.

SECTION 63 - DEFINITIONS.

The Walnut Street-West Urban Conservation District shall be subject to all applicable definitions found in Division II of the Zoning Ordinance. Any definition found in Division II of the Zoning Ordinance and referencing historic structures, Historic Sites, Historic Landmarks or Historic Districts shall also be deemed applicable to any building or property within the Walnut Street-West Urban Conservation District.



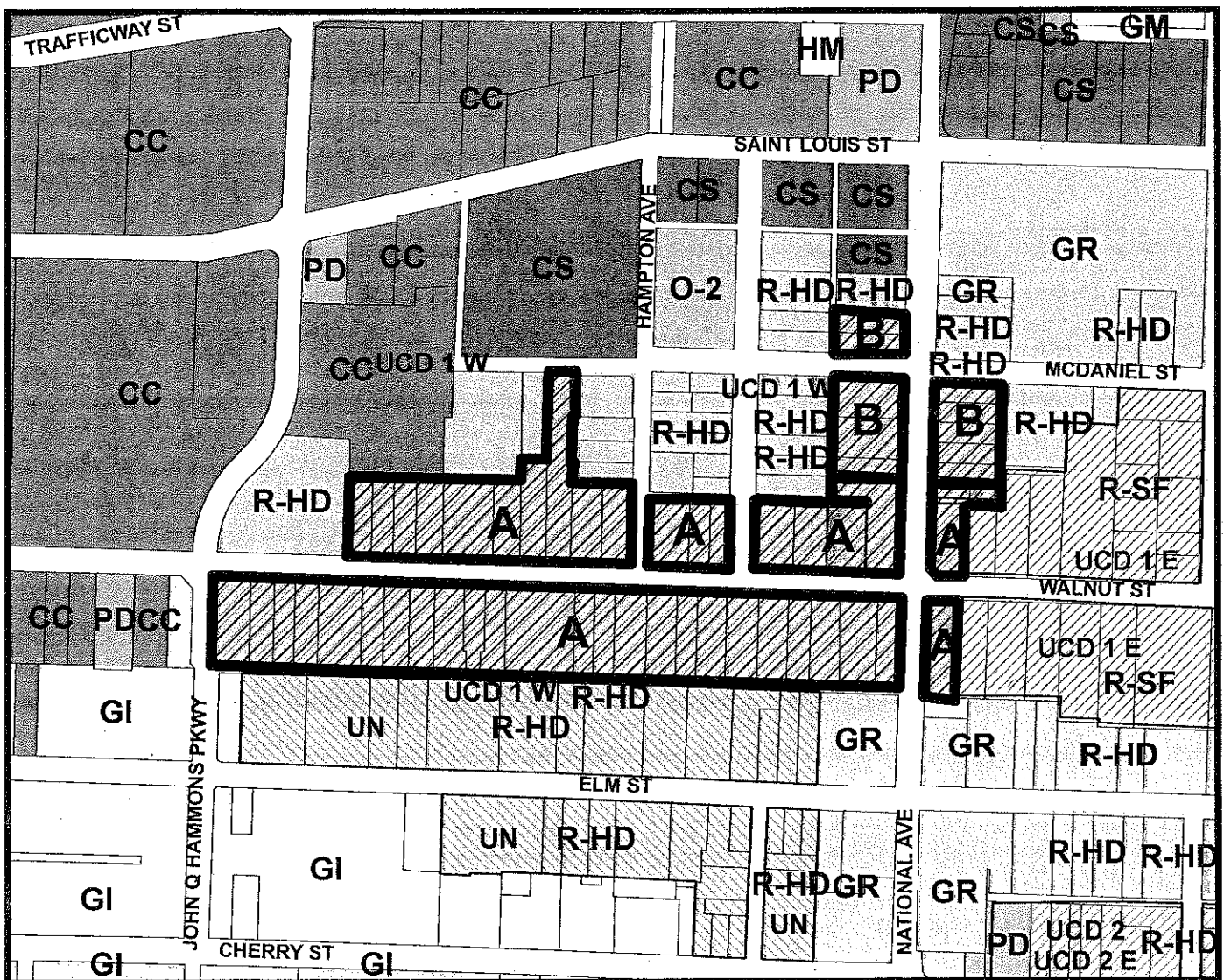
Zoning & Subdivision Report

Planning & Development - 417/864-1611
840 Boonville - Springfield, Missouri 65801

Exhibit 2 Z-02-2010 Walnut Street-West UCD Sub Areas

Location: 900-1200 blk E. Walnut & 200-300 blk S. National

LOCATION SKETCH



- Area of Proposal



1 inch = 400 feet